

REMARKS

Applicant respectfully requests reconsideration of this application as amended.

Claims 1-33 are pending in the application. Claims 1, 4, 6-8, 11-13, 15, 18, 26-27, and 30-33 have been amended. No claims have been added. No new matter has been added.

The Examiner rejected claims 1-33 under 35 U.S.C. 103(a) as being unpatentable over Vellandi. Applicant respectfully submits that claims 1-33 as amended are not obvious in view of Vellandi. Specifically, independent claim 1 recites:

1. A method of controlling on-line access to reference materials, comprising:
receiving an on-line request for a reference material;

determining if a copy of the requested reference material is available, wherein
determining if the copy of the requested reference material is available includes
determining if a server has possession of a token corresponding to the requested reference material;

passing the token to a requester of the on-line request if the copy of the requested reference material is available;

providing access to the copy of the requested reference material if the requested reference material is available; and

temporarily denying access to the requested reference material if the requested reference material is not available.

(Emphasis added)

As set forth in claim 1, the present invention sets forth the use of tokens when determining if a copy of the requested reference material is available and the same token is returned when the access of the requested reference material is finished to allow another user to access the reference material. Specifically, the present invention as claimed determines if a server has possession of a token corresponding to the requested reference material as a way to determine if requested reference material is available. Upon determining the server has the token, the token is passed to the requester.

Vellandi does not disclose the use of such tokens. Rather Vellandi uses cookies assigned to each of the user to keep track whether a book is accessed. The Examiner believes that the

tokens of the present invention may be equated with the cookies described in Vellandi.

Applicant respectfully disagrees.

A cookie is a message given to a Web browser by a Web server. The browser stores the message in a text file. The message is then sent back to the server each time the browser requests a page from the server. The main purpose of cookies is to identify users and possibly prepare customized Web pages for them. For example, when a user enters a Web site using cookies, the user may be asked to fill out a form providing such information as the name and interest. This information is packaged into a cookie and sent to the user's Web browser which stores it for later use. The next time the user goes to the same Web site, the user's browser will send the cookie to the Web server. The server can use this information to present the user with custom Web pages. Each client has a cookie having specific information regarding the client's interest.

However, a token is a special series of bits that travels around a network. The token acts like a ticket or permission enabling its owner to send a message across the network. There is only one token for each network shared by multiple clients, contrary to the cookies of each of the clients.

In addition, the use of tokens is different than cookies in Vellandi. In the present invention as claimed, the possession of the token indicates who has possession of the material. Thus, the ownership of the token indicates the ownership of the reference material at a given time. That is, the server that has the document, holds the token and when the server gives the document to a requester, it sends the token as well, in which case, the client who obtains the document has the ownership of the token. Thus, the server need only check whether it has the ownership of the token to determine if it can pass the document to a requester.

In Vellandi, cookies are assigned by the server and sent to subscribers when the subscribers establish a relationship with the server. Subsequently, the subscribers send their requests for the document with the cookie in order to gain access to the document. Since multiple cookies exist for multiple clients, the server of Vellandi has to examine each of the

cookies sent from the multiple clients to determine who has the right to the document, rather than just determining whether the server has the token. Specifically, Vellandi states:

“To elaborate, upon accessing the web server on which the shared electronic book is located, a user is assigned a "cookie" for use in subsequent communications with the web server. The user is then able to request access to a shared electronic book. If the shared electronic book is available, the user is granted exclusive access to the book for a predetermined period of time. Each request that the user transmits to the web server with respect to the book during this predetermined period of time is accompanied by the "cookie" assigned to the user. If the web server does not see the "cookie" assigned to the user accompanying a request with respect to the book to which the user has been granted exclusive access within the predetermined period of time or some portion thereof, the user's exclusive access to the shared electronic book is terminated upon expiration of the predetermined period of time. At this point, the book is again available to all users that have a right to access the book.”

(Vellandi, col. 2, lines 11 to 28, emphasis added).

As describe above, because of the nature of cookies, each client of Vellandi has to send its cookie every time when the client communicates with the server. The server in turn examines each cookie of the clients (e.g., multiple cookies) to determine whether a particular client is done with the document obtained by examining whether the server receives the cookie of that client within a period of time. If the server “does not see the "cookie" assigned to the user accompanying a request with respect the book to which the user has been granted exclusive access within the predetermined period of time or some portion thereof, the user's exclusive access to the shared electronic book is terminated upon expiration of the predetermined period of time.” (Vellandi, col. 2, lines 20 to 28, emphasis added). Thus, the server of Vellandi has to examine each of the cookies associated with its clients in order to determine whether a particular client can obtain the right to a particular document. Given that there may be thousands of clients, such operations could be burdensome.

In contrast, the present invention as claimed uses a token to determine which of the clients should obtain exclusive right to a reference material. Since there is only one token per given document in a network and the token travels around the network, the server can only need to examine whether the server has the possession of the token without having to examine each of

the requests or messages sent from multiple clients, in order to determine whether the server has the requested reference material available.

The same token associated with the requested reference material travels between the server and the multiple clients. When a client obtains an exclusive right to the document, the token associated with the requested document is sent to the client, such that the server does not have the token any more while the client still possesses the document. Meanwhile, if another client requests the same document, since the token is no longer with the server, the server can quickly denies the request of that client. When the client is no longer in possession of the document, the same token is transmitted back from the client to the server to enable to the server to allow another client accessing the document. In contrast, the cookie of Vellandi is always stored in the client's machine accessible by the client's browser.

Furthermore, as recites in claims 4-8, for example, when a client obtains the right to the document, a client side agent is also sent to the client, where the client side agent actively monitors at the client side regarding the access of the documents. Thus, if the client side agent of the client determines that the document is no longer in use by the client, for example, by detecting the idle time of the client's browser, the client side agent transmits an indication, including the token, to the server to enable the server to allow other clients accessing the same document. In contrast, the server of Vellandi has to perform all of the monitoring operations as discussed above (see, Vellandi, col. 2, lines 11 to 28, as cited above). The server of Vellandi has to wait for a predetermined period of time that does not "see" the cookie of the client currently having the right to the document, in order to consider the document is no longer in use, even if the document is no longer in use way before the predetermined period of time.

It is respectfully submitted that the approaches of Vellandi and the present invention as claimed are significantly different. In fact, as discussed above, such approaches teach away from each other. It is respectfully submitted that Vellandi fails to disclose or suggest the limitations set forth above. One with ordinary skill in the art, based on the teachings of Vellandi, would not be able to arrive the present invention as claimed. Such a suggestion can only be found in

Applicant's own disclosure. It is respectfully submitted that it would be impermissible hindsight to use Applicant's disclosure against the Applicant.


In view of forgoing, Applicant respectfully submits that independent claim 1 is not obvious in view of Vellandi. Similarly, independent claims 11, 15, 20, 27, and 29-33 include limitations similar to those recited in claim 1. Thus, for the reasons similar to those discussed above, independent claims 11, 15, 20, 27, and 29-33 are patentable over Vellandi. Given that dependent claims 2-9, 12-14, 16-19, 21-26, and 28 depend from one of the above independent claims, it is respectfully submitted that claims 2-9, 12-14, 16-19, 21-26, and 28 are also patentable over Vellandi.

Accordingly, Applicant respectfully submits that the rejection under 35 U.S.C. §103 has been overcome by the amendments and the remarks and withdrawal of these rejections is respectfully requested. Applicant submits that Claims 1-9, and 11-33 as amended are now in condition for allowance and such action is earnestly solicited.

Please charge any shortages and credit any overcharges to our Deposit Account No. 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 4/2, 2004


Kevin G. Shao
Attorney for Applicant
Registration No. 45,095

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-8300